

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

v.

**4:05CR00334-01-WRW
4:08CV00597-WRW**

THOMAS S. BOOTHE

ORDER

Defendant's Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C. § 2255 (Doc. No. 53) is GRANTED to the extent set out below and agreed upon by the parties.

The United States and Thomas S. Boothe, by and through their undersigned attorneys, agree that:

1. The restitution in this case is \$850,000.
2. Defendant is sentenced to time served and will immediately begin serving his term of supervised release.¹
3. Trial counsel did not provide ineffective assistance.

IT IS SO ORDERED this 24th day of August, 2009.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

CONSENTED TO:
JANE W. DUKE
UNITED STATES ATTORNEY

/s/ KAREN WHATLEY
Assistant U.S. Attorney

Date: August 21, 2009

/s/ LEA ELLEN FOWLER
Attorney for Petitioner

Date: August 21, 2009

¹With restitution of \$850,000, the applicable guideline range is 33-41 months. Defendant has already served a sentence of imprisonment within that range.